

NISSAN NORTH AMERICA, INC.,

Plaintiff,

v.

**CONTINENTAL AUTOMOTIVE
SYSTEMS, INC. (successor to
Continental Teves, Inc.);
CONTITECH NORTH AMERICA,
INC.; and CONTINENTAL TIRE
THE AMERICAS, LLC (successor to
Continental Tire North America,
Inc.),**

Defendants.

JURY DEMAND

2. Nissan desires to withdraw its request for remand in order to avoid unnecessary delay in the adjudication of the merits of Nissan's claims. Unlike most decisions regarding remand, orders granting motions to remand based upon forum-selection clauses are appealable as a matter of right in the Sixth Circuit. ***Regis Assocs. v. Rank Hotels (Mgmt.) Ltd.***, 894 F.2d 193, 194–95 (1990). As evidenced by Continental's recent decision to file a sur-reply, Continental appears resolutely intent on fighting Nissan's remand efforts to the fullest extent. Thus, any decision by this Court to remand these proceedings appears destined for appeal and resulting delay.

3. Justice will not be well served if the parties become mired in appellate litigation before the Sixth Circuit regarding forum selection clauses and rights of removal. Such litigation would be costly, time consuming, and would not facilitate the orderly adjudication of the merits of the underlying claims.

4. The manner in which Continental has opposed the motion to remand will, moreover, multiply the expense and complication of the appellate process. In resisting Nissan's remand request, Continental asks this Court to make gratuitous findings, based upon an incomplete record, regarding the application of the Master Purchase Agreement that is the central focus of this litigation. It would be manifestly unjust for this District Court, or the Court of Appeals, to make findings about the merits of Nissan's contract claims based upon an undeveloped record in a context in which zero discovery has occurred.

5. The undersigned counsel has conferred with counsel for Continental, and Continental does not oppose Nissan's request to withdraw its motion to remand.

For all of these reasons, Nissan respectfully requests that the Court terminate its Motion to Remand (Doc. 17) and reset the initial case management conference in this matter.

Respectfully submitted,

LEADER, BULSO & NOLAN, PLC

By: /s/ George Nolan

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Attorneys for Plaintiff, Nissan North America Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2019, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to the following counsel of record:

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